

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JANUARY 29, 2004
8:15 A.M.**

Commissioners Present: Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr

Commissioners Absent: Ray Stevens, Chair
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Vice Chair opened the meeting at 8:18 a.m.

AGENDA ITEM

LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A).

Schorr arrived at 8:22 a.m.

The Board asked Dave Kroeker, Budget and Fiscal Officer, and Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, to look at the distribution formula in LB 1181 (Provide increase in the fuel taxes).

Hudkins objected to the funding mechanism in LB 1176 (Establish the Statewide Communications Authority of Nebraska and authorize a charge on electricity bills).

It was noted that the City of Lincoln and Lincoln Electric System (LES) oppose the bill.

MOTION: Heier moved and Schorr seconded to oppose LB 1176 and to direct Gordon Kissel, Legislative Consultant, to convey that position. Heier, Schorr and Hudkins voted aye. Motion carried.

Brief discussion took place regarding LB 870 (Change a voting requirement for municipal county consolidations).

MOTION: Heier moved and Schorr seconded to oppose LB 870 and to send a letter to the Government Committee and affected senators outlining the Board's concerns. Heier, Schorr and Hudkins voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, said Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission, testified in support of LB 991 (Change definition of employer for sections governing the elimination of discriminatory wage practices based on sex).

Mike Thurber, Corrections Director, appeared and urged amendment of LB 1050 (Change provisions relating to assault and related crimes) to include county correctional officers.

MOTION: Schorr moved and Heier seconded to authorize Mike Thurber, Corrections Director, and Gordon Kissel, Legislative Consultant, to seek amendment of LB 1050. Schorr, Heier and Hudkins voted aye. Motion carried.

Thurber also requested authorization to discuss the following bills with the lobbyist: LB 377 (Change provisions relating to payment of county jail inmates' medical costs); LB 391 (Change minority from nineteen to eighteen in the juvenile code and general age of majority provisions); LB 656 (Change provisions relating to contracts by county boards of corrections); LB 853 (Change provisions relating to civil protective custody); LB 871 (Change penalties and driving restrictions, create an offense, and provide for motor vehicle seizure relating to driving under the influence); and LB 1226 (Change provisions relating to returned drugs and devices).

The Board authorized the contact.

Thurber indicated plans to testify on LB 1226 and agreed to provide the Board with a copy of his testimony.

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, JANUARY 15, 2004; MINUTES OF MEETING WITH VILLAGE BOARDS AND CLERKS, TUESDAY, JANUARY 20, 2004; AND MINUTES OF MID-YEAR BUDGET RETREAT, WEDNESDAY, JANUARY 21, 2004

MOTION: Heier moved and Schorr seconded approval of the Staff Meeting minutes of January 15, 2004; minutes of Meeting with Village Boards and Clerks on January 20, 2004; and minutes of Mid-Year Budget Retreat on January 21, 2004. Schorr, Heier and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Correspondence from Stan Campbell, University of Nebraska Lincoln (UNL) Assistant Vice Chancellor for Student Affairs and Director of Campus Recreation, Regarding Northwest 70th and West Superior Streets (Exhibit B)
- B. Update on National Crane
- C. Report on Hickman Library Meeting
- D. Questionable Claim from Families First & Foremost (F³) (PV 782-5055) (Exhibit C)

MOTION: Heier moved and Schorr seconded approval of the additions to the agenda. Heier, Schorr and Hudkins voted aye. Motion carried.

3 COMMISSIONER MEETING REPORTS

- A. Board of Health - Hudkins
- B. Air Pollution Control Advisory Board - Hudkins
- C. Parks & Recreation Advisory Board - Schorr
- D. Community Learning Leadership Council - Schorr
- E. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Workman, Stevens
- F. Lancaster Manor Advisory Committee - Hudkins
- G. Nebraska Association of County Officials (NACO) Legislative Committee - Workman
- H. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Heier
- I. Public Building Commission (PBC) Chair/Vice-Chair and Mayor - Hudkins

Items A - I were held.

- 4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Item moved forward on the agenda.

ADDITIONS TO THE AGENDA

- A. Correspondence from Stan Campbell, University of Nebraska Lincoln (UNL) Assistant Vice Chancellor for Student Affairs and Director of Campus Recreation, Regarding Northwest 70th and West Superior Streets (Exhibit B)

MOTION: Heier moved and Schorr seconded to: 1) Ask the University of Nebraska Lincoln (UNL) to donate an additional ten feet of right-of-way; and 2) Ask Don Thomas, County Engineer, to report to the Board within thirty days on the procedure to rock a road when the landowners have agreed to contribute to costs. Heier, Schorr and Hudkins voted aye. Motion carried.

- 5 LABOR NEGOTIATIONS** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager, Diane Carlson, Deputy County Attorney

MOTION: Heier moved and Schorr seconded to enter Executive Session at 9 a.m. to discuss labor negotiations. Heier, Hudkins and Schorr voted aye. Motion carried.

MOTION: Heier moved and Schorr seconded to exit Executive Session at 9:35 a.m. Heier, Hudkins and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- B. Update on National Crane

Hudkins reported on a recent tour of National Crane in Waverly (manufacturing plant is scheduled to close), noting an auction has been scheduled.

Heier suggested that consideration be given to purchasing one of the buildings for use as a storage facility.

MOTION: Heier moved and Schorr seconded to direct Don Killeen, County Property Manager; Don Thomas, County Engineer; Doug Ahlberg, Emergency Management Director; and Terry Wagner, Lancaster County Sheriff, to visit the facility and assess whether the buildings and/or equipment might be of use to Lancaster County. Heier, Schorr and Hudkins voted aye. Motion carried.

The Board asked Eagan to schedule a tour of the facility by Board members and a tour of the Community Blood Bank Building, 2966 "O" Street.

Hudkins said the City of Waverly has requested that improvements to the road north of National Crane be moved forward in the One and Six Year Road and Bridge Improvement Program.

The Board asked that discussion of the request be scheduled with Don Thomas, County Engineer.

C. Report on Hickman Library Meeting

Schorr reported on a meeting held to discuss establishment of a library in the City of Hickman through a community foundation. She said the Lincoln City Libraries will provide a revolving collection of books and training and will continue Bookmobile services.

6 WILDERNESS PARK ADVISORY COMMITTEE - Terry Genrich, Parks & Recreation Natural Resources Manager

Terry Genrich, Parks & Recreation Natural Resources Manager, explained that the Wilderness Park Advisory Committee was formed over two years ago to help start implementing management recommendations for the park. He said some of the members' commitments have changed and the entities that have representation on the committee are being asked to review their appointments (Exhibit D).

Hudkins said he believes there is a need for rural representation on the committee.

Board consensus was to appoint a representative at the February 19, 2004 Staff Meeting.

Heier noted that the Board has not been briefed on the Salt Valley Sewer Trunk Line.

Genrich said an easement will be required along part of Wilderness Park and said Clint Thomas, City Real Estate Agent, and Steve Masters, City Public Works/Utilities, need to bring that request forward to the Board.

Mike DeKalb, Planning Department, appeared and recommended that City Public Works/Utilities also brief the Board on the following projects: 1) Improvement of the existing sewer line along Salt Creek; 2) Water line that crosses Van Dorn to the new pumping station near Pioneers Park; and 3) Sewer line along the edge of Wilderness Park adjacent to Wilderness Ridge Estates.

7 PENDING LITIGATION (EXECUTIVE SESSION) - Mike Thew, Chief Deputy County Attorney; Doug Cyr, Chief Administrative Deputy County Attorney; Kristy Mundt, Deputy County Attorney

MOTION: Schorr moved and Heier seconded to enter Executive Session at 10:05 a.m. for discussion of pending litigation. Schorr, Heier and Hudkins voted aye. Motion carried.

MOTION: Heier moved and Schorr seconded to exit Executive Session at 10:30 a.m. Schorr, Heier and Hudkins voted aye. Motion carried.

8 INTERNS AT THE COMMUNITY MENTAL HEALTH CENTER (CMHC) - Dean Settle, Community Mental Health Center (CMHC) Director

Dean Settle, Community Mental Health Center (CMHC) Director, recommended that the County enter into an intern relationship with the University of Nebraska Lincoln (UNL) School of Clinical Psychology. He said Doctor Joseph Swoboda, Clinical Supervisor, will supervise the interns and estimated the annual cost at \$13,800.

Kristy Mundt, Deputy County Attorney, advised the Board that there are workers' compensation issues.

MOTION: Schorr moved and Heier seconded to direct Dean Settle, Community Mental Health Center Director, to proceed with the internship program, under the direction of Doctor Joseph Swoboda. Schorr, Heier and Hudkins voted aye. Motion carried.

ADDITIONS TO THE AGENDA

MOTION: Heier moved and Schorr seconded to add discussion of a grant to the agenda. Heier, Schorr and Hudkins voted aye. Motion carried.

Settle requested authorization to apply electronically for a Sex Offender Management Grant through the United States Department of Justice.

MOTION: Schorr moved and Heier seconded to authorize submission of the grant application electronically. Heier, Schorr and Hudkins voted aye. Motion carried.

- 9 **(A) HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT PLAN AND POLICY AMENDMENTS; AND (B) SENDING PRIVACY NOTICES FOR FLEXIBLE EMPLOYEE BENEFIT ACCOUNT (FEBA) AND DENTAL PLANS** - Diane Carlson, Deputy County Attorney; Don Taute, Personnel Director; Bill Kostner, City Risk Manager; Bill Thoreson, Benefits Specialist

(A) Health Insurance Portability & Accountability Act (HIPAA) Plan and Policy Amendments

Diane Carlson, Deputy County Attorney, said the County's Health Insurance Portability & Accountability Act (HIPAA) Policies and dental plan document need to be amended to include additional language. She said PayFlex has already amended the Flexible Employee Benefit Account (FEBA) Plan document for the County.

Carlson said the Board must also designate a Privacy Officer for the health, dental and FEBA plans and suggested that the Board ask the Personnel Department to designate someone within their department to serve as the Privacy Officer.

Don Taute, Personnel Director, said Bill Thoreson, Benefits Specialist, will assume this role.

Carlson said Lancaster Manor and the Community Mental Health Center (CMHC) have each appointed Privacy Officers, as their facilities fit the definition of health care providers and must comply with HIPAA regulations.

MOTION: Heier moved and Schorr seconded approval. Schorr, Heier and Hudkins voted aye. Motion carried.

(B) Sending Privacy Notices for Flexible Employee Benefit Account (FEBA) and Dental Plans

Carlson requested authorization to distribute Notice of Privacy Practices (Exhibit E) to employees who are participants in the FEBA and dental plans with their paychecks.

MOTION: Heier moved and Schorr seconded approval of the request. Schorr, Heier and Hudkins voted aye. Motion carried.

- 10 **(A) TRAINING SESSION REGARDING HARASSMENT LAW AND POLICY; AND (B) COUNTY EMPLOYMENT STATISTICS** - Joyce Welsch, City Affirmative Action Officer

(A) Training Session Regarding Harassment Law and Policy

Joyce Welsch, City Affirmative Action Officer, noted plans to provide a legal update on harassment in employment for city and county managers and supervisors (Exhibit F) and asked whether the Board would like her to: 1) Indicate that the training is recommended and let department heads determine whether they want supervisors to attend; or 2) Indicate that the training is mandatory for county managers and supervisors who are not elected officials.

MOTION: Heier moved and Schorr seconded to direct Joyce Welsch, City Affirmative Action Officer, to indicate that the training is mandatory for county managers and supervisors who are not elected officials and ask elected officials to attend. Schorr, Heier and Hudkins voted aye. Motion carried.

(B) County Employment Statistics

Welsch presented employment statistics and possible causes of minority/women underutilization in the workforce (Exhibits G and H).

- 11 (A) ADDITIONAL SPACE AT CEDARS NORTHBRIDGE COMMUNITY CENTER; AND (B) QUESTIONABLE CLAIMS (PV 782-5000 AND PV 782-5052)** - Renee' Dozier, Families First & Foremost (F³) Associate Director; Kristy Mundt, Deputy County Attorney

(A) Additional Space at Cedars Northbridge Community Center

Renee' Dozier, Families First & Foremost (F³) Associate Director, requested authorization to lease an additional 120 square feet of office space in the Cedars Northbridge Community Center as private office space for the supervisor. She said the \$80 per month increase will be paid through grant funds.

Mundt said she will schedule a new lease agreement which will rescind the previous agreement on the February 3, 2004 Board of Commissioners Meeting agenda.

(B) Questionable Claims (PV 782-5000 and PV 782-5052)

Dozier reviewed a questionable claim for payment in the amount of \$242.00 for holiday cards (PV 782-5000), noting the cards were purchased with a credit card that is restricted to travel expenditures.

Heier said the payment voucher (see agenda packet) reflects a \$35 late fee and requested an explanation.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, appeared and said he believes the late fee is related to a prior bill.

Dozier said an additional late fee may be incurred as a result of this claim.

The Board asked Dozier to research why a late fee was incurred and report back. She was also asked to check on a credit card transaction (\$484) relating to air travel to Nashville, Tennessee.

Dozier also reviewed a questionable claim she submitted in the amount of \$212.50 for meals during a conference in San Antonio, Texas (PV 782-5052), noting the requested reimbursement is above the county per diem for that location. She said she informed the other attendees from F³, including Commissioner Schorr, that they would be allowed a daily per diem of \$38 to cover the costs of their meals (daily per diem for that location is \$30) and said those claims will be forthcoming. Dozier volunteered to submit her claim at the \$30 daily per diem rate.

MOTION: Heier moved to approve the \$38 daily per diem rate that Renee' Dozier, Families First & Foremost (F³) Associate Director, designated.

Eagan said the claim will be scheduled for action on the February 3, 2004 Board of Commissioners Meeting agenda.

There was no second and the maker of the motion withdrew his motion.

Schorr agreed to submit her claim at the \$30 daily per diem rate in accordance with County Resolution No. 02-0053 (In the Matter of Adopting a Policy Governing the Expenditure of Public Funds for Payment of Reimbursement of Actual and Necessary Expenses Incurred by County Elected Officials, Appointed Officials, Employees and Volunteers).

Hudkins suggested that Dozier review County Resolution No. 02-0053 and the list of localities where the higher per diem rate applies.

It was noted that the federal per diem rate for high cost localities increased January 1, 2004 and Dozier asked that the County match the new rate.

MOTION: Heier moved to direct the County Attorney's Office to prepare a resolution for the February 3, 2004 Board of Commissioners Meeting adjusting the daily per diem rate to \$49, retroactive to January 1, 2004.

The motion died for the lack of a second.

The Board agreed to review County Resolution No. 02-0053 at a future meeting.

ADDITIONS TO THE AGENDA

MOTION: Schorr moved and Heier seconded to add correspondence regarding a contract with MapleWood Counseling Associations, Inc. to the agenda (Exhibit J). Heier, Schorr and Hudkins voted aye. Motion carried.

Dozier said MapleWood Counseling Associations, Inc. is terminating operations at the end of July, 2004 and has requested authorization to assign its contract with the County for Office of Juvenile Services (OJS) evaluations to Family Service of Omaha (FS) or be allowed to utilize FS as a subcontractor until the contract expires on July 31, 2004. Dozier advised against doing so, stating the County can contract directly with FS, if needed.

Mundt said a termination agreement will be scheduled on the February 3, 2004 Board of Commissioners Meeting agenda.

ADDITIONS TO THE AGENDA

D. Questionable Claim from Families First & Foremost (F³) (PV 782-5055) (Exhibit C)

Dozier reviewed a questionable claim for payment in the amount of \$2,759 to Cedars Youth Services (PV 782-5000) (claim was submitted more than 90 days after service).

MOTION: Schorr moved to waive the 90 day requirement for questionable claims.

The motion died for the lack of a second.

Board consensus to handle the claim through the regular claims process.

12 DRUG COURT CONTRACT - Kristy Mundt, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, said an agreement with Cindy Wohlers-Green to teach a treatment class to participants in the Lancaster County Adult Drug Court will be scheduled on the February 3, 2004 Board of Commissioners Meeting agenda. She said Wohlers-Green is an independent contractor and does not have the necessary insurance to meet the County's insurance requirements.

13 ACTION ITEMS

- A. Authorize Payment of Invoice from Segal Advisors (Pension Consultant) (\$25,000)

MOTION: Heier moved and Schorr seconded approval. Heier, Schorr and Hudkins voted aye. Motion carried.

- B. Randall Funding and Development, Inc. Strategic Funding Plan

Item held.

- C. Authorize Use of County Property for Hazardous Household Waste Collections (Emerald, May 21, 2004, 3-7 p.m.; and Waverly, September 10, 2004, 3-7 p.m.)

MOTION: Heier moved and Schorr seconded approval. Schorr, Heier and Hudkins voted aye. Motion carried.

- D. Microcomputer Request C#2004-022, \$338.75 from the Lancaster County Juvenile Detention Center Budget for a Palm Pilot for Dennis Banks, Lancaster County Juvenile Detention Center Director

Item held pending development of a Palm Pilot Policy.

14 ADMINISTRATIVE OFFICER REPORT

- A. Correspondence from Jim Baird, Fraternal Order of Police (FOP) 29 President, Regarding Parking

Item held.

- B. Membership Application for National Association of Government Defined Contribution Administrators (NAGDCA)

MOTION: Schorr moved and Heier seconded to authorize payment of a membership application for Kerry Eagan, Chief Administrative Officer. Schorr, Heier and Hudkins voted aye. Motion carried.

- C. Government Access and Information Committee (GAIC) Appointment

Item held.

- D. Request from Brian Carstens to Remove County Change of Zone No. 211, and County Preliminary Plat No. 02029, The Preserve at Cross Creek, from Pending

Item held.

- E. Keno Prevention Grants

Item held.

- F. United States Department of Agriculture (USDA) Beaver Eradication Program

Item held.

- G. Correspondence Regarding County Special Permit 205

MOTION: Heier moved and Schorr seconded to request a legal opinion regarding the following issues:

1. Is the construction and continued commercial operation of the motocross track and related club a violation of the County's zoning regulations?
2. Does a motocross track and related commercial club meet the definition of "Recreational Facilities" under 2.103 of the County Zoning Regulations to enable an applicant to seek a special permit in the Agricultural (AG) zone under County Zoning Regulations 4.007?

Schorr, Heier and Hudkins voted aye. Motion carried.

- H. Correspondence from Don Thomas, County Engineer, Regarding North 7th Street Bridge over I-80

Item held.

- I. National Association of County Officials (NACo) Membership

Item held.

15 ADJOURNMENT

MOTION: Heier moved and Schorr seconded to adjourn the meeting at 11:42 a.m. Heier, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk